

Applicants received an Advisory Action mailed May 26, 2006 refusing entry of applicants' April 13, 2006 amendments and finding unpersuasive their arguments with respect to the rejected claims. It indicated no claims were allowed, apparently as a result of an oversight since no new rejections were levied.

Applicants' representative phoned Examiner Srivastava and arranged a telephone interview for July 6, 2006. This paper is intended to discuss the remaining issues in preparation for the interview.

First, it would appear that the Advisory Action should be amended to acknowledge the allowed claims.

Secondly, applicants believe that it is unreasonable to characterize the amendments to claims 38-41 as raising new issues or not simplifying issues for appeal. These amendments are a trivial modification of the manner of reciting multiple dependency. It is not believed that it would be an undue burden for the examiner to consider them. They will not require further searching since they do not change the scope of the claims.

Third, regarding the double patenting rejections, perhaps the examiner was not aware that SN 10/354,207 has been withdrawn from issue as of May 8, 2006. Thus, the copending case does not pose an issue of converting the provisional double patenting rejection to a double patenting rejection.

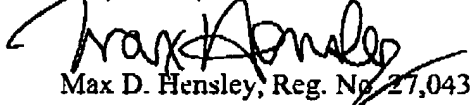
According to MPEP 804 I.B. (copy attached), if a case is otherwise allowable and the only rejection(s) remaining are provisional double patenting rejections, the examiner is advised to withdraw the rejection and convert the provisional double patenting rejection in the other application into a double patenting rejection, i.e., the MPEP does not contemplate that a provisional double patenting rejections should bar the issue of the first allowed case. The rejection should be withdrawn. The reason is that the provisional rejections are simply to serve notice to applicants that double patenting issues exist in their copending cases. It would be

advisable, however, if the PTO could arrange to have all of the cases involved in the double patenting issue here assigned to the same examiner.

It should be noted that a number of the "other" cases forming the basis for the double patenting rejections here have been abandoned. However, applicants do not intend at this time to abandon the '207 application.

Applicants believe this application would be allowable if the amendment is entered (alternatively, the objection could be withdrawn). Applicants' representative will telephone Examiner Gitomer's number at 1 PM EDT on Thursday, July 6 to discuss this case further. If this paper resolves all issues to the examiner's satisfaction, the examiner is invited to phone the undersigned.

Respectfully submitted,

  
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